

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 31-48 are pending in the application. Claims 31, 37, and 43 are independent. The remaining claims depend, directly or indirectly, from the independent claims.

#### **Claim Amendments**

Claims 31, 32, 37, 38, 43 and 44 are amended in this reply to recite various aspects of the invention. Support for these amendments may be found, for example, in page 12, lines 7-8, page 12, line 21 – page 13, line 2, page 13, line 25 – page 14, line 2, and in Fig. 4 of the specification. No new matter is added by way of these amendments.

#### **Rejections under 35 U.S.C. § 103**

##### **Claims 31-33, 36-39, 42-45, and 48**

Claims 31-33, 36-39, 42-45, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,892,919 (“Nielsen”) in view of US Patent Pub. No. 2008/0195754 (“Cuomo”). To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

35 U.S.C. § 103 provides the statutory definition of obviousness. The framework for applying 35 U.S.C. § 103 was initially set out by the Supreme Court in *Graham v. John Deere Co.*,

86 S.Ct. 684 (1966). This framework was reaffirmed by the court in *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007). Based on the above framework, one rationale that may be used to support a conclusion of obviousness is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *See KSR*, 127 S.Ct. at 1739. In the instant case, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. §103, has used the above rationale to support a rejection of obviousness in view of Nielsen and Cuomo. *See Office Action* dated January 23, 2009 (“Office Action”), p. 3-13.

Applicant submits that the Examiner has incorrectly characterized the cited references. As such, the Examiner has failed satisfy the requirements of the aforementioned rationale (namely, that all elements were known in the prior art) to establish a *prima facie* case of obviousness of the present claims. Further, Applicant submits that combination proposed by the Examiner is improper, as it would alter the principle of operation of at least one prior art reference and/or the prior art references teach away for the purposed combination. For at least these reasons, Applicant requests withdrawal of the rejection of the present claims.

Turning to the claimed invention, amended independent claim 31 requires, in part, *a URL detection module configured to determine that a URL request is an invalid URL request when the URL request is inconsistent with a predefined URL stored in a cookie, wherein the predefined URL stored in the cookie is specified by the user.* In other words, amended claim 31 requires: (i) comparing a URL request to a predefined URL stored in a cookie, (ii) if the URL request does not match the predefined URL stored in the cookie, then determining that the URL request is incorrect,

and (iii) that the predefined URL stored in the cookie is specified by the user. Independent claims 37 and 43 recite similar limitations to independent claim 31.

In rejecting the independent claims the Examiner contends that requirements (i) and (ii) listed above are taught by a combination of Nielsen and Cuomo. *See* Office Action, p.4-5. Specifically, the Examiner cites Figure 5 of Nielsen to teach this subject matter, but admits that “Nielsen does not explicitly disclose the predefined URLs being stored in cookies.” *See Id.* Instead, the Examiner asserts that “Cuomo discloses cookies [which] contain a range of URLs for which they are valid and are used to keep track of a user’s patterns and preferences.” *See Id.*

Applicant respectfully disagrees with the Examiner’s contentions. Fig. 5 of Nielsen teaches (at 505) determining if an issued URL is found in a spell check cache, and if so, then determining that the issued URL is incorrect. In other words, Nielsen teaches storing incorrect URLs in the spell check cache, and determining that an issued URL is incorrect when it matches the spell check cache. In contrast, the present claims require an entirely different principle of operation, namely storing correct URLs in cookies, and determining that a URL request is incorrect when it does not match the URLs stored in the cookies. Accordingly, Nielsen clearly fails to teach requirements (i) and (ii) listed above. Further, Cuomo is entirely silent with regard to comparing a URL request to URLs stored in cookies, much less using that comparison to determine whether the URL request is valid. Accordingly, Cuomo also fails to teach requirements (i) and (ii) listed above.

Further, Applicant submits that Nielsen and Cuomo also fail to teach that the predefined URL stored in the cookie is specified by the user (*i.e.*, requirement (iii) listed above). As stated above, the Examiner admits that “Nielsen does not explicitly disclose the predefined URLs being stored in cookies.” *See* Office Action, p.5. Accordingly, Nielsen clearly cannot teach that the

predefined URL stored in the cookie is specified by the user. Further, Cuomo is entirely silent with regard to the aforementioned requirement. In fact, Cuomo teaches an entirely different technique, namely that the “cookie is data created by a web server.” See Cuomo, paragraph [0006], lines 6-7. Accordingly, Cuomo also fails to teach requirement (iii) listed above.

Moreover, even if we assume, *arguendo*, that Nielsen and Cuomo teach the recited limitations (*i.e.*, requirements (i), (ii), and (iii) listed above), Applicant further submits that the combination proposed by the Examiner is improper, and thus fails to establish a *prima facie* case of obviousness. Specifically, the courts have found that, when combining prior art elements to establish obviousness, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. See *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Additionally, under *in re Geisler*, “[a] *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.” See MPEP 2144.05 citing *In Re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

In the present case, the modification proposed by the Examiner would completely alter the principle of operation of Nielsen, namely the use of cached misspellings to detect spelling errors. Moreover, Nielsen not only teaches the use of cached misspellings to detect spelling errors, but also teaches the importance of that principle of operation. Specifically, Nielsen teaches that “a cache of recent URL misspellings provides a quick way to trap spelling errors” and “cached spell checking will minimize user inconvenience by transparently correcting the URL.” See Nielsen, col. 2, lines 51-59. Accordingly, by emphasizing the importance of the use of cached misspellings, Nielsen

actually teaches away from the modification proposed by the Examiner (*i.e.*, storing correct URLs in a cookie instead of storing cached misspellings). Thus, for at least the above reasons, the modification proposed by the Examiner is improper, and thus fails to establish a *prima facie* case of obviousness.

In view of the above, amended independent claim 31 is not obvious in view of Nielsen and Cuomo, whether viewed separately or in combination. Amended independent claims 37 and 43 include similar limitations to amended independent claim 31, and are thus also not obvious in view of over Nielsen and Cuomo for at least the same reasons. Further, claims depending from amended independent claims 31, 37, and 43 are not obvious over the cited art for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 34, 35, 40, 41, 46, and 47

Claims 34, 35, 40, 41, 46, and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nielsen in view of Cuomo and further in view of US Patent No. 6,151,624 (“Teare”). To the extent the rejection applies to the pending claims, the rejection is respectfully traversed.

As discussed above, Nielsen and Cuomo, whether viewed separately or in combination, do not teach each and every limitation of independent claims 31, 37, and 43. Further, Teare does not teach what Nielsen and Cuomo lack as evidenced by the fact that the Examiner relies on Teare solely to teach the use of URL aliases. *See* Office Action, pages 14-16. In addition, Teare is silent with regard to the requirements (i), (ii), and (iii) of claims 31, 37, and 43 (listed above). Thus, independent claims 31, 37, and 43 are not obvious in view of Nielsen, Cuomo, and Teare. Claims

34, 35, 40, 41, 46, and 47 depend, either directly or indirectly, from independent claims 31, 37, and 43, and thus are not obvious over the cited art for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/493002; SUN040039).

Dated: April 23, 2009

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